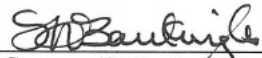




SO ORDERED.

SIGNED this 11th day of June, 2019

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**


Suzanne H. Bauknight
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE, NORTHERN DIVISION**

IN RE:)	
)	
HED PRODUCTS, LLC,)	Case No. 3:19-bk-30680-SHB
)	Chapter 7
Debtor.)	

**AGREED ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC
STAY FILED BY HMM INT'L DMCC AND HYPE-IP, LTD**

WHEREAS, a Motion for Relief from the Automatic Stay (“**Stay Motion**”) was filed in this cause on the 1st day of May, 2019, by **HMM INT’L DMCC** (“**HMM**”) and **HYPE-IP, LTD** (“**Hype-IP**”), pursuant to which HMM and Hype-IP (collectively the “**Movants**”) made a limited appearance in this bankruptcy proceeding only for the purpose to preserve contractual and arbitration rights and interests litigated and pending in certain pre-petition arbitration proceedings and the Sections 9 & 13 Process as defined in said Stay Motion without consenting to this Court’s jurisdiction to resolve any such pending matters or claims, and sought relief from the Automatic Stay to proceed with Arbitration Proceedings and Dispute Resolution Procedures pursuant to 11

U.S.C. §362(d)(1), Federal Rules of Bankruptcy Procedure (**FRBP**) 4001(a)(1), LBR 4001-1, and LBR 9013-1(f); and

WHEREAS, a Motion for Relief from the Automatic Stay was also filed in in HED Innovations, LLC, Case No. 19- 30728 (“Innovations”), on the 1st day of May, 2019, by **HMM INT’L DMCC (“HMM”)** and **HYPE-IP, LTD (“Hype-IP”)**; and

WHEREAS, Innovations and the Movants are parties to a Trademark License and Distribution Agreement (“**TLDA**”) entered into as of December 24, 2013, pursuant to which Movants (as “Licensor”) authorized Innovations (as “Licensee”) to use certain Licensed Trademarks owned by Hype-IP **solely as stated in the TLDA**; and

WHEREAS, on or about May 26, 2017, Innovations initiated Dispute Resolution Procedures under the TLDA which ultimately resulted in an arbitration proceeding involving claims and counterclaims arising from, among other things, alleged breaches of the TLDA and violations of trademark law (the “Arbitration Proceedings”); and

WHEREAS, the Arbitration Proceedings, styled *HED INNOVATIONS, LLC, Claimant and Counterclaim Respondent, and HMM INT’L DMCC and HYPE-IP, LTD, Respondents and Counterclaimants*, was conducted in New York by the arbitration firm of JAMS (the “Arbitrator”) and included numerous evidentiary hearings, brief submissions, and oral arguments; and

WHEREAS, the Arbitration Proceedings were pending at the time of the filing of the Innovations bankruptcy case and were stayed by its bankruptcy filing pursuant to 11 U.S.C. §362 as well as by Order of the Arbitrator (“Order”) on March 15, 2019; and

WHEREAS, a hearing was held on said Stay Motions commencing at 9:00 a.m. on May 23, 2019, whereupon the Court considered the relief requested in said Stay Motions, statements and presentations by legal counsel for the Movants and other parties appearing at said hearing, and entered its Order [Doc. 35] to continue the hearing until 9:00 a.m. on June 6, 2019 for status, and

to June 14, 2019 for evidentiary hearing, if not sooner resolved; the trustee having opposed the Stay Motion in the HED Products, LLC (the “Debtor”) case to the extent that the movants seek any determination or monetary award against the Debtor in the Arbitration Proceedings, as it is not a party to the TLDA nor a party in the Arbitration Proceedings. Accordingly, by agreement of the Movants and Trustee; and for good cause shown, it is

ORDERED, ADJUDGED AND DECREED that the Stay Motion filed by the Movants is GRANTED FOR CAUSE pursuant to U.S.C. §362(d)(1), and the automatic stay pursuant to 11 USC §362(a) is modified accordingly so that said Movants shall be permitted to (1) proceed with the Arbitration Proceedings as to the parties thereto, and to allow Movants and the Arbitrator to finalize the Final Award to be issued in the Arbitration Proceedings; (2) to proceed with and conclude the Sections 9 & 13 Process and Dispute Resolution Procedures pursuant to the TLDA with the Trustee, including without limitation, termination of the TLDA as to the Debtor solely to terminate the Debtor’s rights, if any, under the TLDA to the extent that the Debtor is acting as the Licensee or affiliate or the operating entity thereunder but not otherwise, without further Order of this Court; (3) that this Order be immediately enforceable upon entry pursuant to FRBP 4001(a)(3); and (4) for such other and further relief as to which the Movants are entitled to pursue Arbitration Proceedings, Sections 9 & 13 Process with the Trustee pursuant to said TLDA, and to protect and preserve their respective rights and interests pursuant to their limited appearances in these bankruptcy proceedings, including any Confidential Information and other rights of Movants relating to TLDA, all such rights being reserved by the Movants. All other pre-hearing requirements under the Court’s Order [Doc. 35] are stricken as moot, including the evidentiary hearing set for June 14, 2019.

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APPROVED FOR ENTRY:

/s/ J. Michael Winchester

J. Michael Winchester, BPR #006049

Elizabeth A. Bowden, #034701

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W. GREY STEED, Trustee

By: /s/ Brenda G. Brooks

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